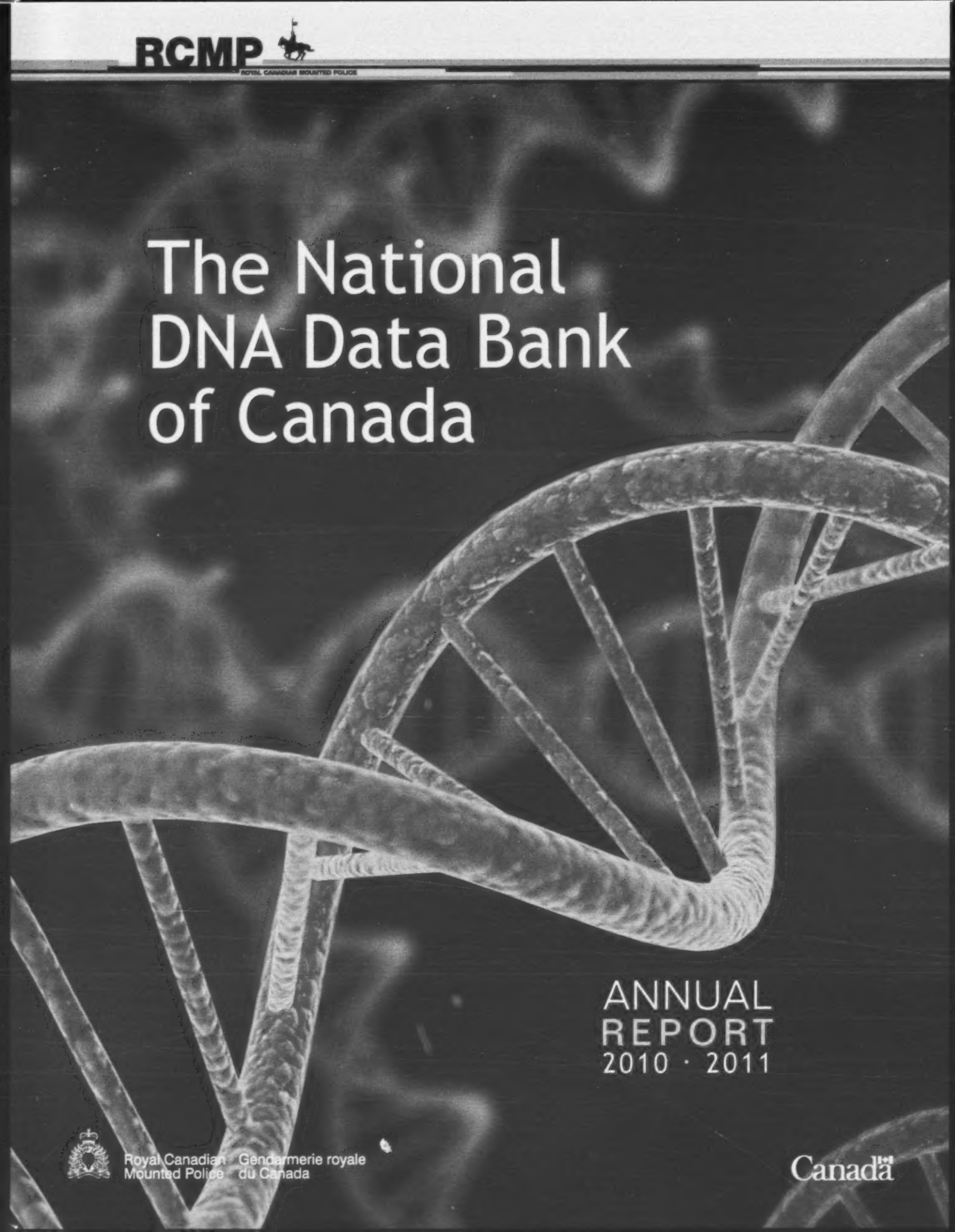
RCMP
ROYAL CANADIAN MOUNTED POLICE

The National DNA Data Bank of Canada



ANNUAL REPORT 2010 · 2011

Royal Canadian Mounted Police / Gendarmerie royale du Canada

Canada

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NATIONAL DNA DATA BANK OF CANADA
Forensic Science and Identification Services,
Royal Canadian Mounted Police
P.O. Box 8885, 1200 Vanier Parkway,
Ottawa, Ontario K1G 3M8
www.nddb-bndg.org

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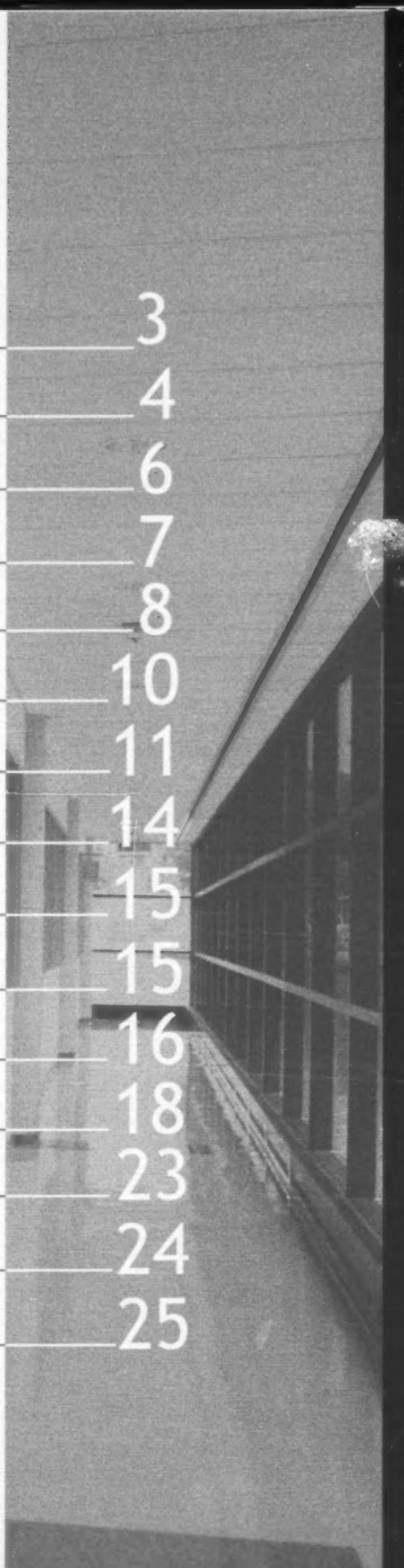
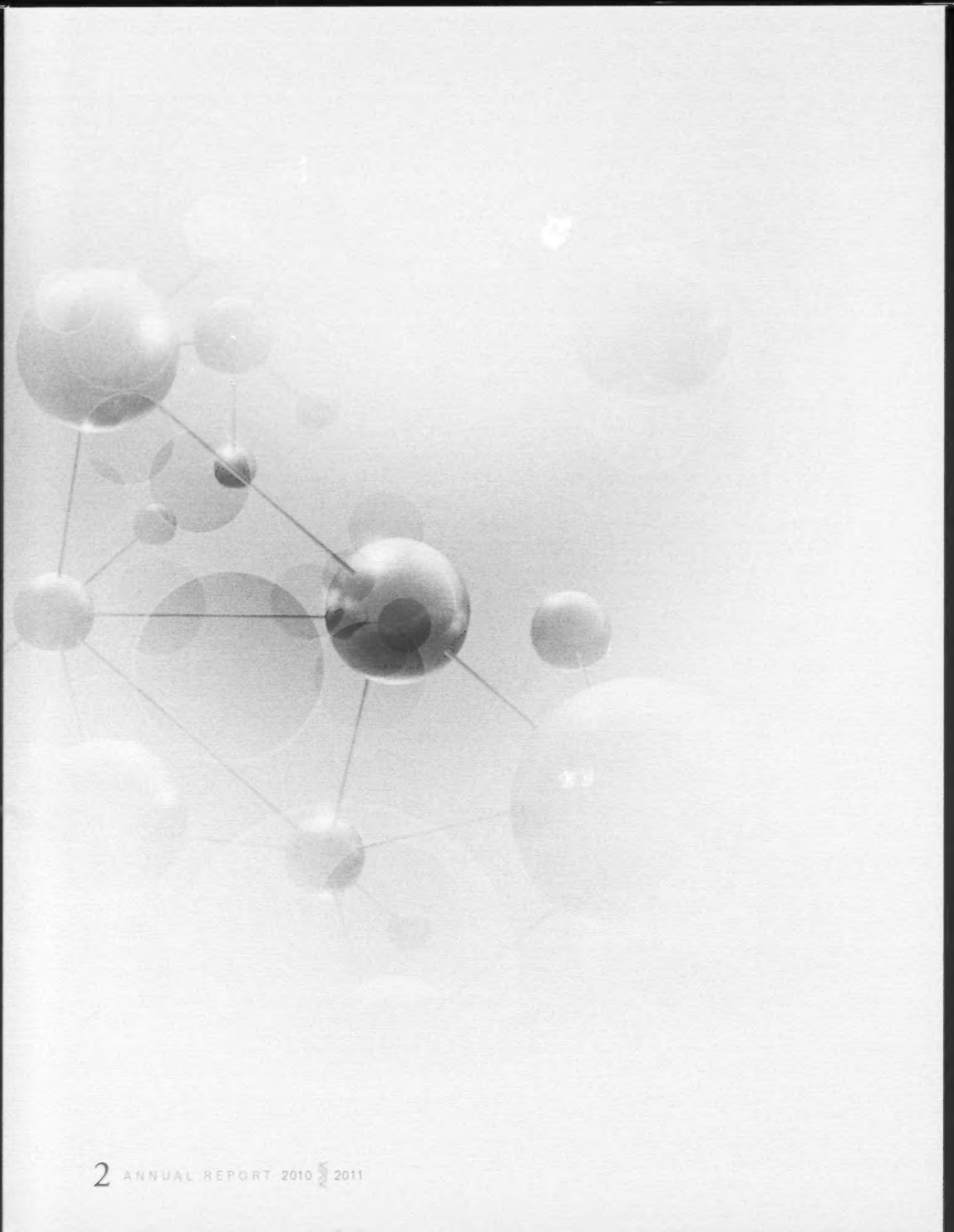




MESSAGE FROM THE COMMISSIONER, ROYAL CANADIAN MOUNTED POLICE

I am pleased to introduce the 2010-11 National DNA Data Bank (NDDB) Annual Report. Since opening its doors in June 2000, the NDDB has proven to be an important investigative tool in assisting the law enforcement community to solve current and cold-case crimes.

In that time, the number of DNA profiles contained in the Crime Scene Index and the Convicted Offenders Index has grown to 279,293 by March 31, 2011. Moreover, the NDDB has recorded a total of 18,539 offender hits and 2,467 crime scene hits.

In April 2011, Bill S-2, *Protecting Victims from Sex Offenders Act* was proclaimed. Under the new law, additional crimes have been designated as primary mandatory offences and individuals convicted of such offences will be required to submit their DNA to the NDDB. This will increase the number of profiles entered into the NDDB to further support Canada's criminal justice system and contribute to a safer and more secure Canada.

The NDDB's success of the past decade would not have been possible without the full support of our partners in the criminal justice system, the experience of police investigators and the dedication of forensic scientists. I would also like to acknowledge the commitment of the NDDB Advisory Committee whose ongoing interaction with NDDB stakeholders has been an important component of the NDDB's achievements. Collectively, our partners help ensure that the NDDB remains a reliable and effective law enforcement tool in helping solve crimes and protect the innocent.

WILLIAM J.S. ELLIOTT
Commissioner

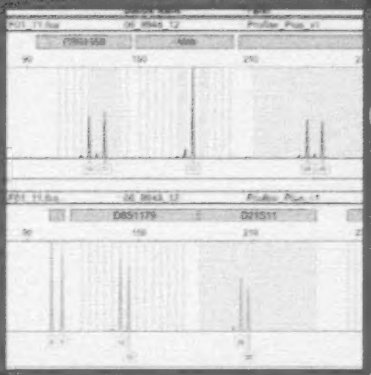
QUICK FACTS

DNA profiles contained in the NDDB **279,293**

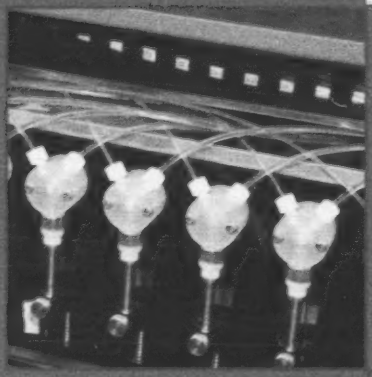
DNA profiles contained in the Convicted Offenders Index **214,789**

18,539 Offender Hits
(Convicted Offender to Crime Scene)

DNA profiles contained in the Crime Scene Index **64,504**

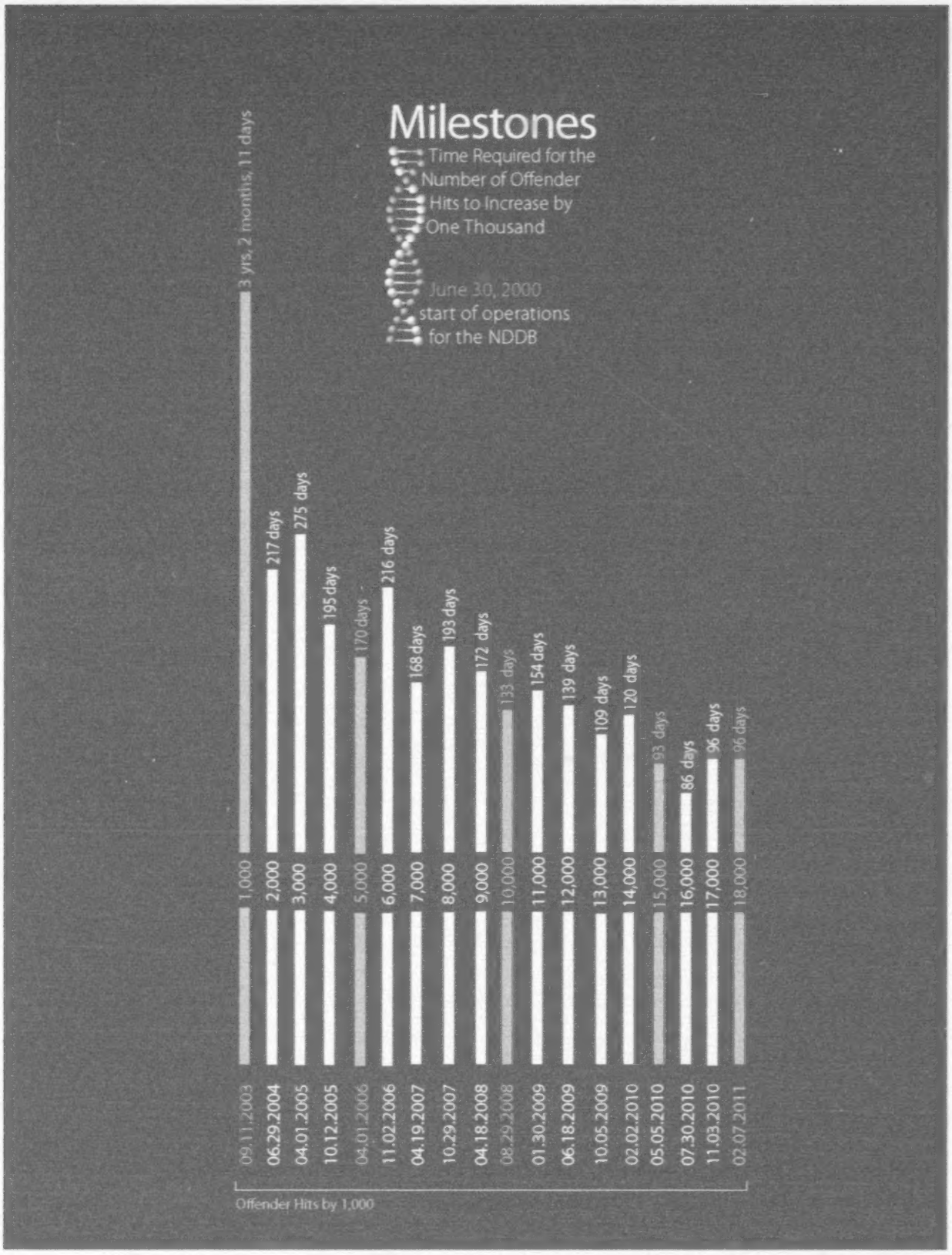


Forensic Hits
(Crime Scene to Crime Scene)
2,467



Investigations assisted by the NDDB since 2000 **21,006**

Investigations assisted by the NDDB in 2010 -11 **4,239**


Milestones
Time Required for the Number of Offender Hits to Increase by One Thousand
June 30, 2000 start of operations for the NDDB
09.11.2003 1,000 3 yrs, 2 months, 11 days
06.29.2004 2,000 217 days
04.01.2005 3,000 275 days
10.12.2005 4,000 195 days
04.01.2006 5,000 170 days
11.02.2006 6,000 216 days
04.19.2007 7,000 168 days
10.29.2007 8,000 193 days
04.18.2008 9,000 172 days
08.29.2008 10,000 133 days
01.30.2009 11,000 154 days
06.18.2009 12,000 139 days
10.05.2009 13,000 109 days
02.02.2010 14,000 120 days
05.05.2010 15,000 93 days
07.30.2010 16,000 86 days
11.03.2010 17,000 96 days
02.07.2011 18,000 96 days
Offender Hits by 1,000

HARNESSING THE POWER OF DNA ANALYSIS

DNA analysis was first used by the RCMP in 1989 in an investigation in which a suspect denied any involvement in a sexual assault, but the victim identified him as the attacker. DNA analysis later confirmed the victim's version of events. After the DNA test results were presented in court, the suspect reversed his plea to guilty.

Back then, there was no central coordination at the national level that could help police take full advantage of the unfolding advances in DNA technology. In 1995, the *Criminal Code* was amended to add DNA warrant provisions. Under these provisions, a provincial court judge could authorize the collection of a DNA sample from a suspect for the purpose of forensic DNA analysis in the course of the police investigation of a designated *Criminal Code* offence.

In order for this new tool to be used to its full potential, there was a need to coordinate DNA profiling data from investigations across the country. With support from all levels of government, the general public and police agencies throughout Canada, decisive steps were taken to create the NDDB.

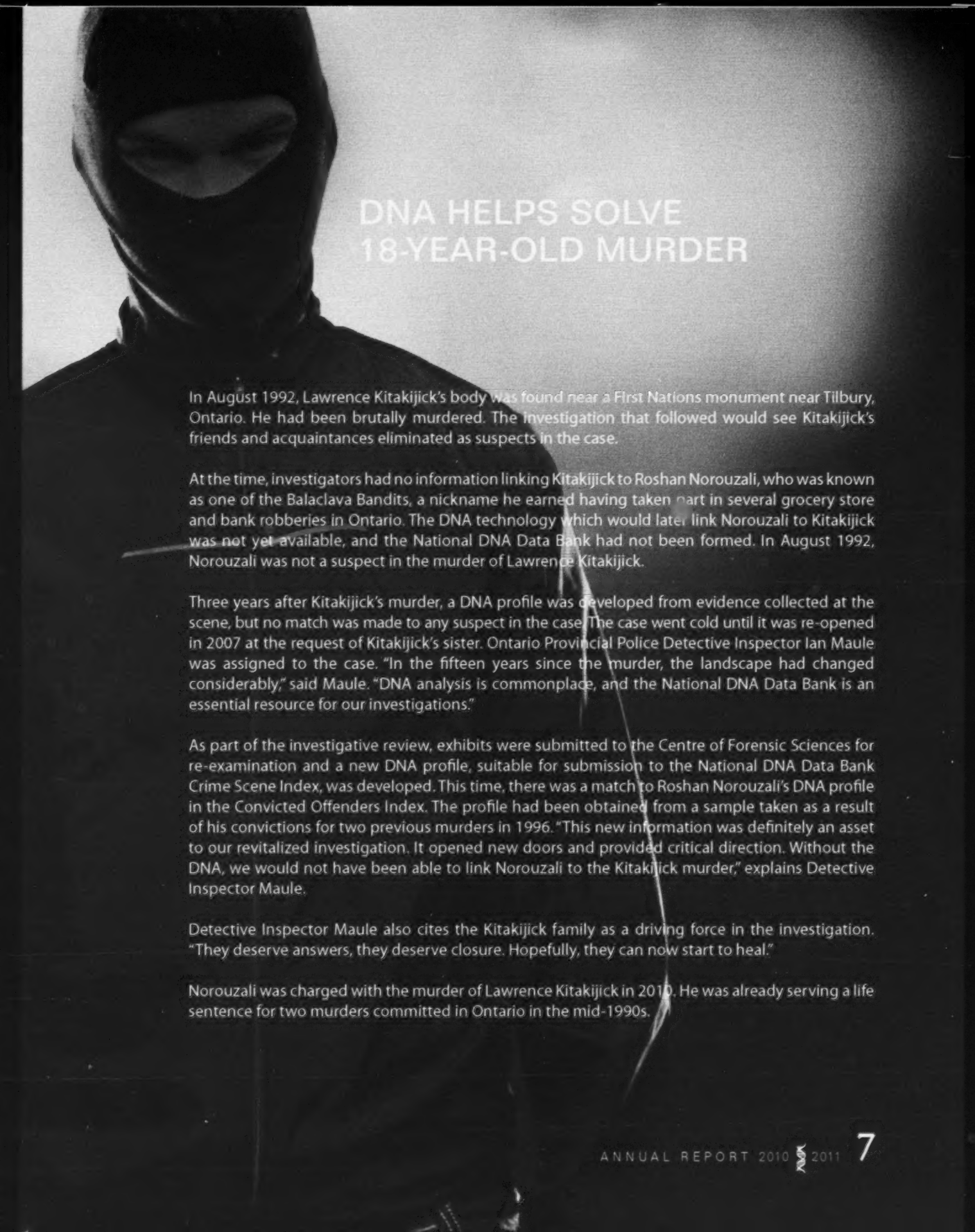
In 1996, the Department of the Solicitor General (as it was then known) and the Department of Justice undertook Canada-wide consultations regarding the establishment of a national DNA data bank.

The following groups participated in the consultations:

- Provinces and territories;
- Police associations;
- Privacy officials;
- Bar associations;
- Victim advocates;
- Women's groups;
- Correctional officials; and
- Medical and scientific organizations.

Confirming the Government of Canada's commitment to combat crime and especially violent crime, Bill C-3, the *DNA Identification Act* (S.C. 1998 c. 37) received Royal Assent on December 10, 1998. The RCMP built the NDDB after Bill C-3 received Royal Assent. The project was completed on time and under budget.

In 2000, Parliament enacted Bill S-10, *An Act to Amend the National Defence Act, the DNA Identification Act and the Criminal Code* (S.C. 2000, c. 10). The NDDB became operational on June 30, 2000 when Bills C-3 and S-10 were proclaimed.



DNA HELPS SOLVE 18-YEAR-OLD MURDER

In August 1992, Lawrence Kitakijick's body was found near a First Nations monument near Tilbury, Ontario. He had been brutally murdered. The investigation that followed would see Kitakijick's friends and acquaintances eliminated as suspects in the case.

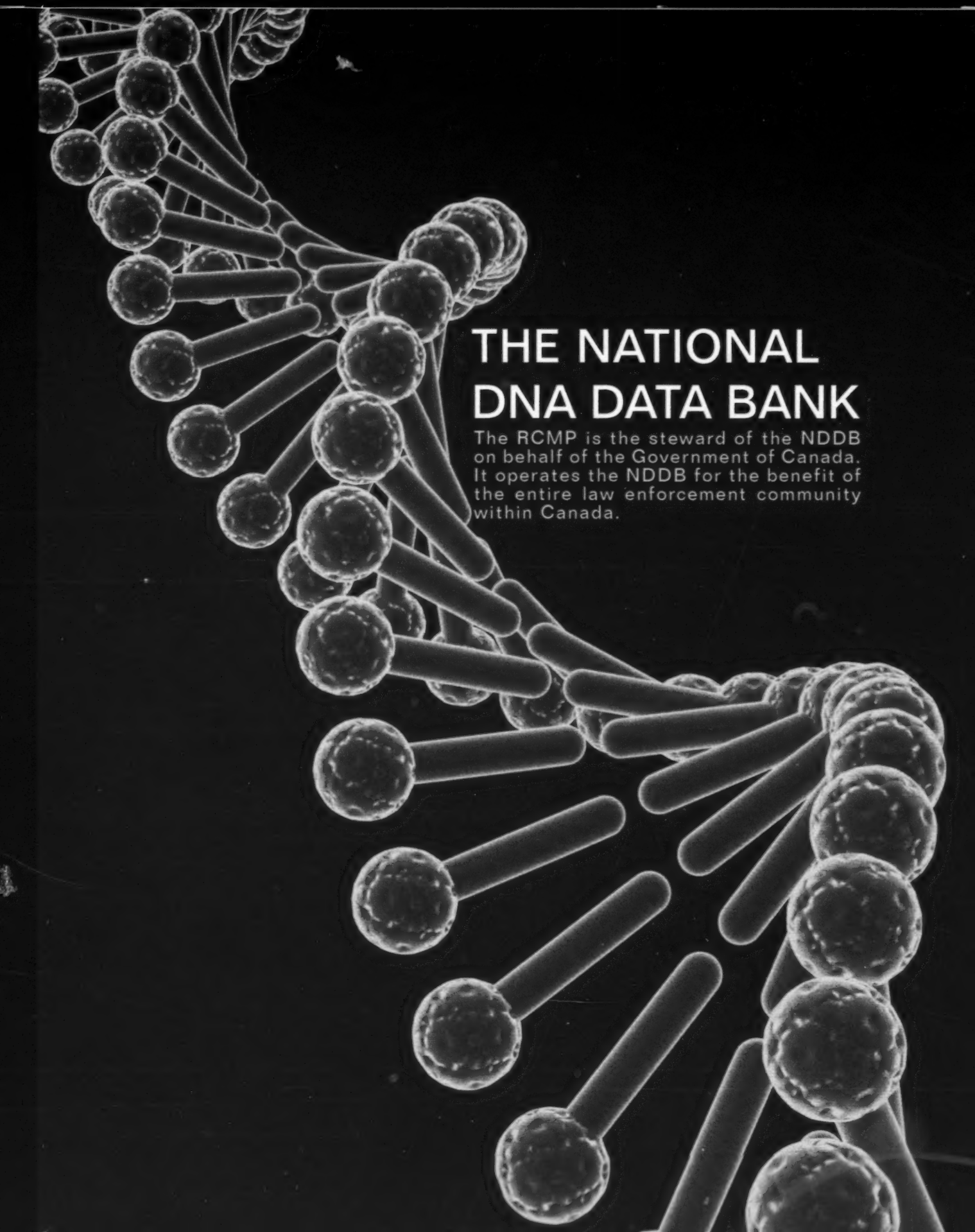
At the time, investigators had no information linking Kitakijick to Roshan Norouzali, who was known as one of the Balaclava Bandits, a nickname he earned having taken part in several grocery store and bank robberies in Ontario. The DNA technology which would later link Norouzali to Kitakijick was not yet available, and the National DNA Data Bank had not been formed. In August 1992, Norouzali was not a suspect in the murder of Lawrence Kitakijick.

Three years after Kitakijick's murder, a DNA profile was developed from evidence collected at the scene, but no match was made to any suspect in the case. The case went cold until it was re-opened in 2007 at the request of Kitakijick's sister. Ontario Provincial Police Detective Inspector Ian Maule was assigned to the case. "In the fifteen years since the murder, the landscape had changed considerably," said Maule. "DNA analysis is commonplace, and the National DNA Data Bank is an essential resource for our investigations."

As part of the investigative review, exhibits were submitted to the Centre of Forensic Sciences for re-examination and a new DNA profile, suitable for submission to the National DNA Data Bank Crime Scene Index, was developed. This time, there was a match to Roshan Norouzali's DNA profile in the Convicted Offenders Index. The profile had been obtained from a sample taken as a result of his convictions for two previous murders in 1996. "This new information was definitely an asset to our revitalized investigation. It opened new doors and provided critical direction. Without the DNA, we would not have been able to link Norouzali to the Kitakijick murder," explains Detective Inspector Maule.

Detective Inspector Maule also cites the Kitakijick family as a driving force in the investigation. "They deserve answers, they deserve closure. Hopefully, they can now start to heal."

Norouzali was charged with the murder of Lawrence Kitakijick in 2010. He was already serving a life sentence for two murders committed in Ontario in the mid-1990s.



THE NATIONAL DNA DATA BANK

The RCMP is the steward of the NDDB on behalf of the Government of Canada. It operates the NDDB for the benefit of the entire law enforcement community within Canada.

The NDDB assists law enforcement agencies in solving crime by:

- Linking crimes where there are no suspects;
- Helping to identify suspects;
- Eliminating suspects where there is no match between crime scene DNA and profiles in the NDDB; and
- Determining whether a serial offender is involved.

The NDDB improves the administration of justice by assisting in the early identification of those who commit serious crimes and by focusing investigations to eliminate suspects. Robotic technology, coupled with a sophisticated Sample Tracking and Control System (STaCS[TM]), allows NDDB analysts to rapidly process samples in a cost-effective way, while ensuring overall data security and providing quality control throughout the DNA analytical process.

The NDDB strictly adheres to the privacy principles contained within the *DNA Identification Act* while balancing the need for police officers to identify suspects. Stringent procedures governing the handling of biological samples and resulting DNA profiles ensure that the privacy rights of individuals are protected.

Information collected by the NDDB can only be used for law enforcement purposes. In fact, the DNA profiles are considered anonymous pieces of DNA and, apart from gender, do not specify any medical or physical information about the donor.

Biological samples collected from convicted offenders are processed by the NDDB and the resulting DNA profiles are entered into the Convicted Offenders Index. As of March 31, 2011, the Convicted Offenders Index contained 214,789 DNA profiles.

The NDDB is also the custodian of the Crime Scene Index, a separate electronic database comprising DNA profiles obtained from crime scene evidence. Crime scene samples are analyzed and DNA profiles are uploaded into the NDDB by the three Canadian forensic laboratory systems. As of March 31, 2011, the Crime Scene Index contained 64,504 DNA profiles.

The NDDB's three forensic laboratory partners in Canada are:

- The RCMP Forensic Science and Identification Services (with sites in Halifax, Ottawa, Winnipeg, Regina, Edmonton and Vancouver);
- The Centre of Forensic Sciences in Toronto and Sault Ste. Marie; and
- The Laboratoire de sciences judiciaires et de médecine légale in Montréal.

Possible matches are identified in one of two ways:

- New DNA profiles entered in the Crime Scene Index are compared against DNA profiles from other crime scenes. These matches identify potential links between different crimes which helps investigators to look for other commonalities that may assist with solving the crimes.
- Comparison of new crime scene or convicted offender DNA profiles to associate an offender with a particular crime.

In 2010-11, the NDDB identified 298 crime scene to crime scene matches, and 3,941 crime scene to convicted offender matches, bringing the total hits for this fiscal year to 4,239.

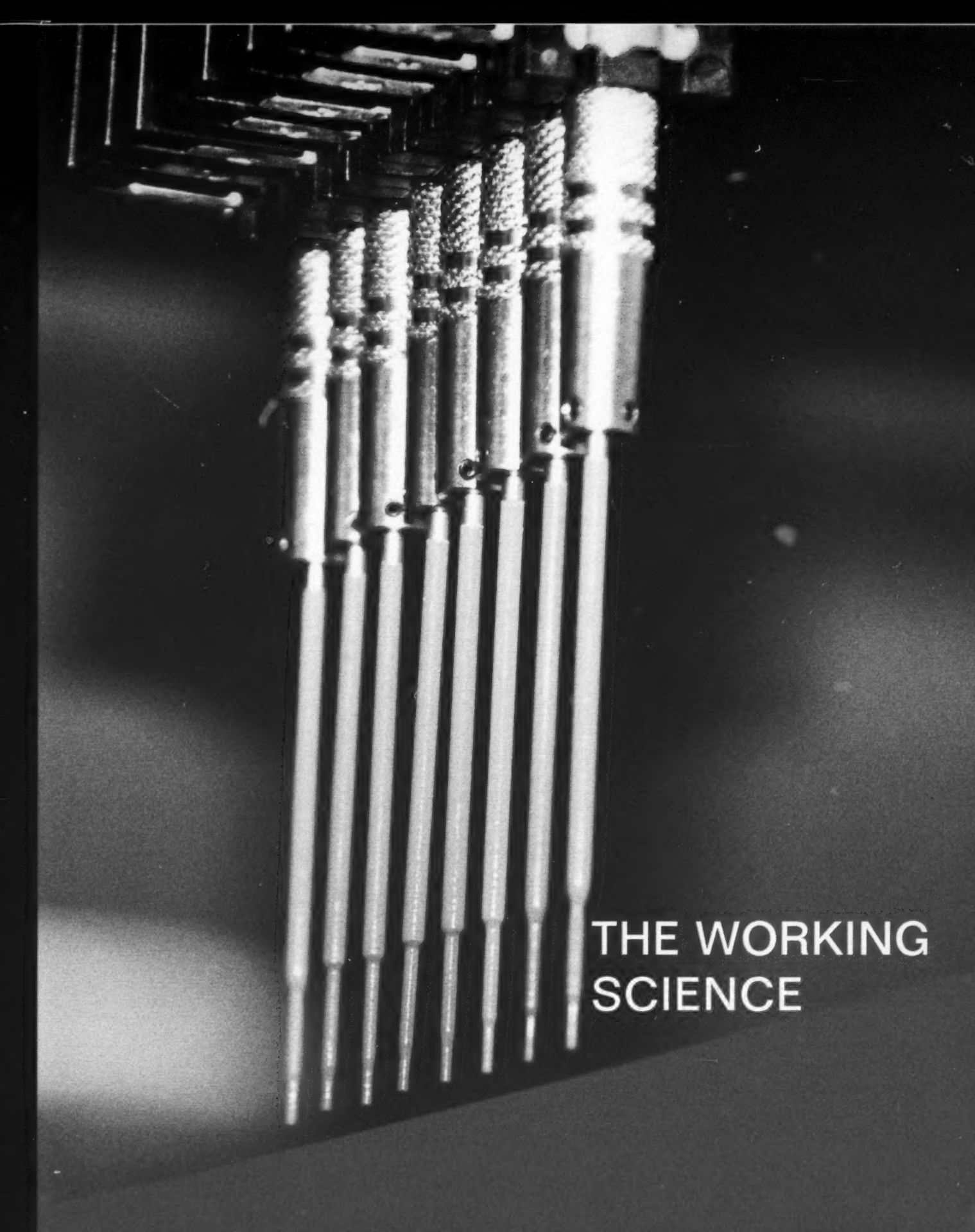
HIDDEN JACKET LEADS TO ARREST IN SCHOOL ATTACK

While in her school washroom in the early morning of March 31, 2010, a 15-year-old Ottawa girl was attacked by a 31-year-old man who later claimed he was looking for drugs. She fought him off and he ran from the scene.

Ottawa Police Detective Stan Leduc was called to the scene later that morning. "You never know what to expect at a crime scene, but this one was especially discomforting because it was on school property and seemed so random. We didn't know what type of criminal we were dealing with," said Detective Leduc. With little evidence at the scene, the investigators used information from witnesses to retrace the suspect's flight path. This led to the investigation's critical discovery – the hooded jacket which the suspect had attempted to hide under a bush.

The jacket was submitted for DNA analysis and the resulting DNA profile returned a match from the National DNA Data Bank Convicted Offenders Index, identifying Daniel Phillip Rief as the assailant. When police went to arrest him, he escaped, only to turn himself in to police the next day. "He knew we had him," said Detective Leduc. "DNA is a very powerful investigative tool. The complainant didn't know him, so without the National DNA Data Bank match it may have taken much longer to find out who committed this crime."

Rief was convicted of assault, forcible confinement and escaping the lawful custody of a peace officer. He is currently serving a three-year sentence.


THE WORKING
SCIENCE

The NDDB comprises two indices: the Convicted Offenders Index and the Crime Scene Index.

THE CONVICTED OFFENDERS INDEX

The Convicted Offenders Index is the electronic DNA profile database developed from biological samples collected from:

1. Offenders convicted of designated primary and secondary offences (see Appendix A) identified in section 487.04 of the *Criminal Code*; and,

2. Offenders who meet the retroactivity criteria in section 487.055 of the *Criminal Code*. In general terms, this applies to those convicted of certain serious offences who were already serving a sentence or who had been declared a dangerous offender or a dangerous sexual offender before June 30, 2000 when the *DNA Identification Act* was proclaimed. (See Key Statistics explanatory notes on page 19 for a complete description of retroactive provisions).

Biological samples from convicted offenders are collected by:

- A peace officer who is able, by virtue of training or experience, to take samples of bodily substances from the person, by means of the procedures described in subsection 487.056(6) of the *Criminal Code*; or
- Another person who is able, by virtue of training or experience, to take under the direction of a peace officer, samples of bodily substances from the person, by means of those procedures.

These biological samples include:

- **Blood:** The sample is obtained by using a sterile lancet to prick the fingertip and bloodstains are then collected on a specially prepared sample card.
- **Buccal:** The inside of the mouth is rubbed with a foam applicator to obtain skin cells that are then transferred to a specially prepared sample card.
- **Hair:** Six to eight hairs are pulled out with the root sheath attached and placed on a specially prepared sample card.

Convicted offender biological samples are collected and submitted to the NDDB to be processed into DNA profiles. These DNA profiles are uploaded to the Combined DNA Index System (CODIS), a software package that stores and compares the profiles. CODIS was developed by the Federal Bureau of Investigation and the U.S. Department of Justice and provided to the NDDB at no cost. The software is a universally accepted standard for forensic laboratories, which allows the NDDB to compare DNA profile information using a standard format. The NDDB shares DNA information through an international agreement with INTERPOL, approved by the Government of Canada, which limits its use to the investigation and prosecution of criminal offences.

THE CRIME SCENE INDEX

The Crime Scene Index is a separate electronic database composed of DNA profiles obtained from crime scene investigations of the same designated offences as the Convicted Offenders Index. Exhibits containing biological evidence are collected by investigators and submitted to one of the three forensic laboratory systems (RCMP Forensic Science and Identification Services, Laboratoire de scie, ices judiciaires et de médecine légale, and the Centre of Forensic Sciences.)

The resulting DNA profiles are uploaded to the Crime Scene Index by the forensic laboratories. The NDDB retains this electronic information as well as basic details such as the date, location of the submitting laboratory and a unique number identifier that allows information to be compared by the submitting laboratory in the event of a future match.

PRIVACY OF INFORMATION

It is important to note that convicted offender samples are identified simply by a bar code number and that crime scene samples are identified by a unique number identifier. In fact, the identity of a convicted offender is separated from the genetic information when the sample arrives at the NDDB. The bar code is the only link between personal information, the biological sample and the DNA profile. The personal information is protected information that is not accessible by NDDB staff, and is kept in a separate registry by the RCMP's Canadian Criminal Real Time Identification Services.

The *DNA Identification Act* makes it clear that the NDDB profiles can only be used for law enforcement purposes. The NDDB does not share the DNA profiles with anyone other than law enforcement agencies. The DNA profiles are the result of 13 specific DNA markers that are tested to produce a DNA profile which is unique to each individual (with the exception of identical twins). These 13 regions of interest are considered anonymous and, other than gender, do not provide specific medical or physical information about the donor. The regions chosen by the NDDB are the same regions of genetic variation used throughout the United States and in many other countries conducting forensic DNA analysis.

DNA PUTS MAN BEHIND BARS FOR BRUTAL SEXUAL ASSAULT

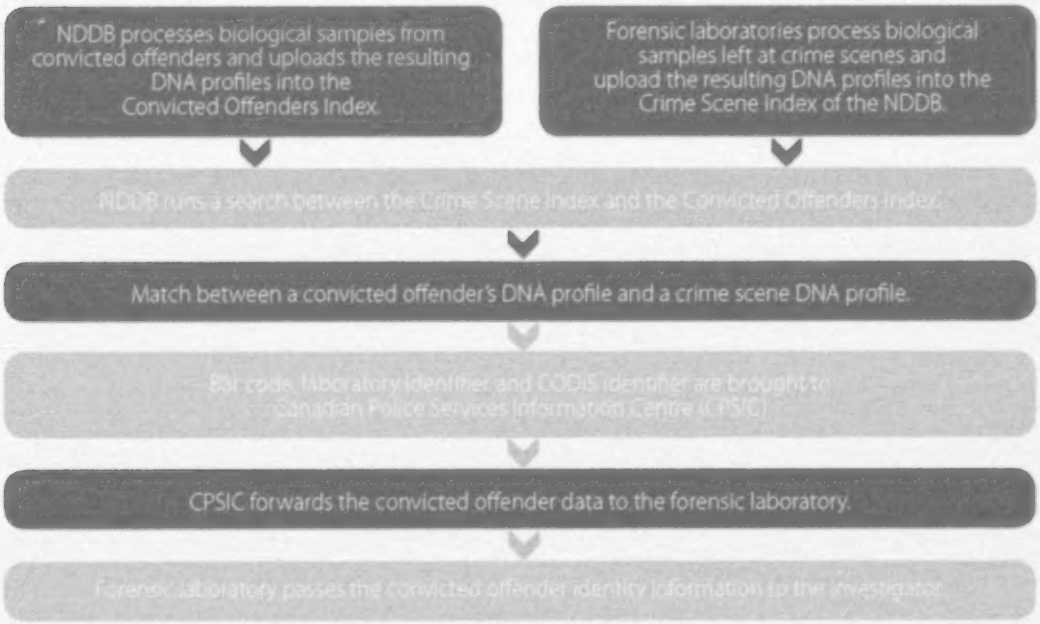
"Brutal," "vicious" and "despicable" were among the words the judge used during sentencing to describe Jeremy Accobee's September 2008 sexual assault, beating and robbery of a woman whom he had just met earlier that day. Although Accobee pleaded not guilty, the evidence against him would prove otherwise and he was sentenced to eight years for his crimes.

Detectives John Stevenson and Kelly Trudeau of the Winnipeg Police Service Sex Crimes Unit were assigned to the case. They met with the complainant in the early morning hours at the hospital where she had been brought by patrol officers. Evidence obtained from the sexual assault kit was submitted for analysis.

In May 2009, police arrested Accobee when the DNA profile generated from the evidence was uploaded into the National DNA Data Bank and resulted in a match to the Convicted Offenders Index. "The complainant didn't know her attacker and couldn't identify him from a photo, so the DNA and the match in the National DNA Data Bank were crucial to solving this crime," said Detective Stevenson. Accobee was charged with several crimes including sexual assault causing bodily harm and held in custody until his trial. He was found guilty of all charges against him.

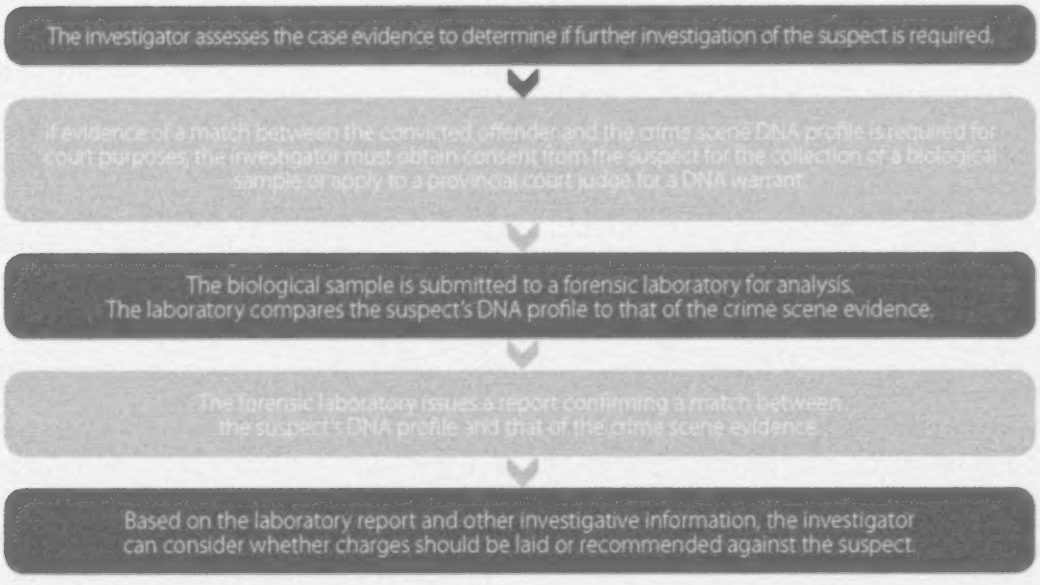
"You never feel good going into a case like this," said Stevenson. "The victim is devastated and her life forever changed. The only consolation comes the day you realize that you have caught the guy who committed these terrible acts and he won't be able to do it again."

PROCESS FOR REPORTING A MATCH


NDDB processes biological samples from convicted offenders and uploads the resulting DNA profiles into the Convicted Offenders Index.
Forensic laboratories process biological samples left at crime scenes and upload the resulting DNA profiles into the Crime Scene Index of the NDDB.
NDDB runs a search between the Crime Scene Index and the Convicted Offenders Index.
Match between a convicted offender's DNA profile and a crime scene DNA profile.
Bar code, laboratory identifier and CODIS identifier are brought to Canadian Police Services Information Centre (CPSIC).
CPSIC forwards the convicted offender data to the forensic laboratory.
Forensic laboratory passes the convicted offender identity information to the investigator.

PROCESS FOR CONFIRMING A MATCH

Once the investigator has received the convicted offender's identity from the forensic laboratory, the following procedure is followed to confirm the match.


The investigator assesses the case evidence to determine if further investigation of the suspect is required.
If evidence of a match between the convicted offender and the crime scene DNA profile is required for court purposes, the investigator must obtain consent from the suspect for the collection of a biological sample or apply to a provincial court judge for a DNA warrant.
The biological sample is submitted to a forensic laboratory for analysis. The laboratory compares the suspect's DNA profile to that of the crime scene evidence.
The forensic laboratory issues a report confirming a match between the suspect's DNA profile and that of the crime scene evidence.
Based on the laboratory report and other investigative information, the investigator can consider whether charges should be laid or recommended against the suspect.

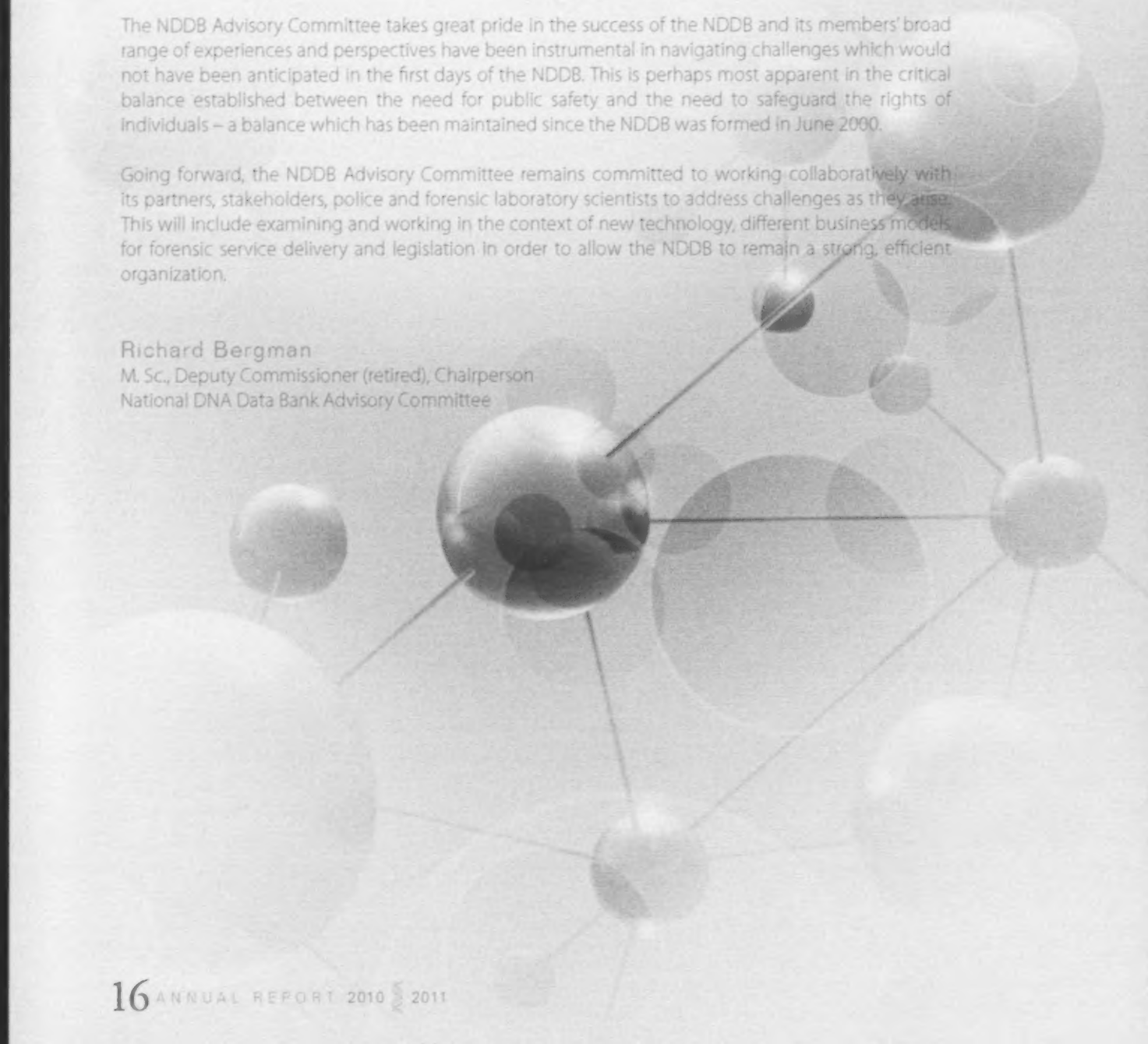
NATIONAL DNA DATA BANK ADVISORY COMMITTEE

The National DNA Data Bank Advisory Committee is composed of dedicated professionals with backgrounds in science, law and ethics. The Committee meets two to three times a year to review issues that affect the NDDB and report to the Commissioner of the RCMP on their potential impact.

The NDDB Advisory Committee takes great pride in the success of the NDDB and its members' broad range of experiences and perspectives have been instrumental in navigating challenges which would not have been anticipated in the first days of the NDDB. This is perhaps most apparent in the critical balance established between the need for public safety and the need to safeguard the rights of individuals – a balance which has been maintained since the NDDB was formed in June 2000.

Going forward, the NDDB Advisory Committee remains committed to working collaboratively with its partners, stakeholders, police and forensic laboratory scientists to address challenges as they arise. This will include examining and working in the context of new technology, different business models for forensic service delivery and legislation in order to allow the NDDB to remain a strong, efficient organization.

Richard Bergman
M. Sc., Deputy Commissioner (retired), Chairperson
National DNA Data Bank Advisory Committee



NATIONAL DNA DATA BANK ADVISORY COMMITTEE MEMBERS

RICHARD A. BERGMAN

M.Sc., D/Commr. (Rtd), Chairperson, former Director of the RCMP Forensic Laboratories and Deputy Commissioner, National Police Services, and Deputy Commissioner, Atlantic Region.

CHANTAL BERNIER

Assistant Commissioner, Office of the Privacy Commissioner of Canada. Ms. Bernier was appointed by Order-in-Council as Assistant Privacy Commissioner (*Privacy Act*) on December 8, 2008 and was appointed in February 2009 member of the National DNA Data Bank Advisory Committee.

DR. FREDERICK R. BIEBER

Canadian-born Associate Professor of Pathology in the Faculty of Medicine at Harvard University, Boston, Massachusetts. Dr. Bieber is a medical geneticist and a specialist in bio-medical ethics.

DR. GEORGE R. CARMODY

Vice Chairperson, Population Biology Specialist and Adjunct Research Professor of Biology at Carleton University. Dr. Carmody is known nationally and internationally as an expert in population genetics and statistics as applied to forensic applications of DNA.

THE HONOURABLE PETER CORY

C.C., C.D., Q.C., retired Justice of the Supreme Court of Canada. The Honourable Peter Cory is currently Special Advisor to the Federal Department of Justice and also Chancellor Emeritus of York University.

GISÈLE CÔTÉ-HARPER

O.C., Q.C., graduate of Harvard Law School and currently a Barrister and Emeritus Professor at the Faculty of Law, Université Laval. Mme Côté-Harper is recognized nationally and internationally as a legal expert on Human Rights issues.

DR. WILLIAM S. DAVIDSON

Medical Genetics Specialist and Professor of Molecular Biology and Biochemistry, Simon Fraser University (Burnaby, B.C.). Dr. Davidson has published widely in the areas of molecular evolution, population genetics, genomics and human genetics.

DR. RON FOURNEY

O.O.M., Director, National Services and Research, Forensic Science and Identification Services, RCMP. Dr. Fourney is a research scientist and founding member of the RCMP DNA program. He has been instrumental in the development and implementation of forensic DNA typing for Canada.

KEY STATISTICS: March 31, 2011

Table 1 - Cases Assisted by the NDDB

Breaking and Enter	8,533
Sexual Offence	2,364
Robbery	2,128
Assault	1,364
Homicide	1,307
Attempted Murder	436
Other	2,407
Total	18,539

Table 2 - Match Inventory Report

Offender Hit (Crime Scene Index to Convicted Offenders Index)	18,539
Forensic Hit (Crime Scene Index to Crime Scene Index)	2,467
Offender Duplicate (Two samples taken from the same person)	9,350
Identical DNA Profiles (from different individuals i.e. identical twins)	152

EXPLANATORY NOTES

Offender "Hit": A DNA profile developed from crime scene evidence and entered in the NDDB matches a DNA profile in the Convicted Offenders Index.

Forensic "Hit": A DNA profile developed from crime scene evidence and entered in the Crime Scene Index of the NDDB matches another crime scene DNA profile in the Crime Scene Index.

Offender Duplicate: Cases where two biological samples from the same person were submitted to the NDDB.

Identical DNA Profiles: Profiles of identical twins.

International Participation: As of March 31, 2011, the NDDB has received 779 incoming international requests to search its indices - the Convicted Offenders Index and the Crime Scene Index - resulting in one Offender Hit and one Forensic Hit. The NDDB has sent out 129 outgoing search requests resulting in one Offender Hit and one Forensic Hit.

Table 3 - DNA Profiles Contained in the NDDB

Convicted Offenders Index	214,789
Crime Scene Index	64,504
Total	279,293

Note: The NDDB receives 600-700 convicted offender samples per week.

Table 4 - Breakdown of Profiles Contained in the Crime Scene Index

Centre of Forensic Sciences (Toronto and Sault Ste. Marie)	23,981
Laboratoire de sciences judiciaires et de médecine légale (Montréal)	20,502
RCMP Forensic Science and Identification Services (Halifax, Ottawa, Winnipeg, Regina, Edmonton, Vancouver)	20,021
Total	64,504

EXPLANATORY NOTES

Convicted Offenders Profile: A DNA profile from an offender convicted of a designated offence (see Appendix A).

Crime Scene Profile: A DNA profile developed from biological evidence found at a crime scene.

Table 5 – Breakdown of Convicted Offender Samples Received According to Category and Offence Type

DNA Data Bank Orders	230,331	Primary	124,380
Retroactive Authorizations	4,692	Secondary	108,654
		Other	1,989
Total	235,023	Total	235,023

Note: The "Other" category includes samples submitted following conviction for a non-designated offence or without a court order.

EXPLANATORY NOTES

The Convicted Offenders Index is a post-conviction database composed of two categories of samples:

1. DNA Data Bank Orders
   Since January 2008, the Retrospective and Prospective categories of offenders have been combined and include DNA samples collected from offenders who are convicted of an offence committed at any time, including before June 30, 2000, if the offence is a designated offence when the person is sentenced or discharged.

2. Retroactive Authorizations
   A biological sample taken from an offender who was found guilty of a designated *Criminal Code* offence before June 30, 2000 and who had been:

   a. Declared a dangerous offender under Part XXIV;
   b. Declared a dangerous offender or a dangerous sexual offender under Part XXI of the *Criminal Code*, being chapter 34 of the Revised Statutes of Canada, 1970, as it read from time to time before January 1, 1988;
   c. Convicted of murder;
   c.1. Convicted of attempted murder or conspiracy to commit murder or to cause another person to be murdered and is currently serving a sentence of imprisonment for that offence;
   d. Convicted of a sexual offence within the meaning of subsection 487.055(3) of the *Criminal Code* and is currently serving a sentence of imprisonment for that offence; or,
   e. Convicted of manslaughter and is currently serving a sentence of imprisonment for that offence.

As of March 31, 2011, approximately 6,116 offenders qualified for inclusion in the retroactive category as defined by Bills C-3, C-13 and C-18. From this list of qualified offenders, 5,456 files were concluded with the remainder being prepared by the Attorneys General for court applications.

Primary and Secondary Offences: See Appendix A.

Samples Received versus Profiles Contained in the Convicted Offenders Index
As of March 31, 2011, the NDDB had received 235,023 biological samples, of which 214,789 DNA profiles were contained in the Convicted Offenders Index. The difference of 8.6% can be attributed to rejected samples, duplicate samples, biological samples in the process of being treated and profiles removed from the Convicted Offenders Index because the retention period was expired or the conviction or the order/authorization was quashed on appeal.

Table 6 - Convicted Offender Samples Received by Province

British Columbia	27,618	Nova Scotia	5,669
Alberta	24,942	Prince Edward Island	510
Saskatchewan	10,266	Newfoundland & Labrador	3,524
Manitoba	13,190	Yukon	404
Ontario	104,217	North West Territories	1,418
Quebec	39,010	Nunavut	1,198
New Brunswick	3,057	Total	235,023

NOTE: The above information represents the convicted offender samples received and is not reflective of the number of convictions eligible for inclusion into the Convicted Offenders Index.

Table 7 - Type of Samples Received from Convicted Offenders

Blood	231,836
Buccal	2,947
Hair	240
Total	235,023

Table 8 - Breakdown of Convicted Offender Samples Received

Adult Offender	205,616
Young Offender	29,354
Military Offender	53
Total	235,023

SAMPLE REJECTIONS

The NDDB has rejected only 1.3% of the samples it has received to date. Reasons for rejection include: offender convicted of a non-designated offence, inadequate biological samples, use of inappropriate collection kit, missing/invalid order and others. More than 56% of the samples rejected were collected from offenders convicted of non-designated offences and are therefore not eligible for inclusion in the Convicted Offenders Index.

COLLECTION OF ADDITIONAL BODILY SUBSTANCES

In some instances, bodily substances have to be taken a second time, pursuant to a re-sampling authorization issued under subsection 487.091(1) of the *Criminal Code* which provides for an application for re-sampling when the original sample submitted is rejected. If the quality of the biological sample submitted is deemed inadequate for DNA analysis or if it had not been transmitted in accordance with the *DNA Identification Regulations*, the sample can be rejected. Since June 30, 2000, the NDDB has received 531 samples that were taken under this provision.

Table 9 - Convicted Offenders Index Breakdown by Offence

Assault	144,750
Sexual Offence	42,966
Break and Enter	34,279
Robbery	31,046
Controlled Drugs and Substances Act	13,782
Homicide	6,826
Other	19,867
Total	293,516

NOTE: More than one offence may be associated with a sample

Table 10 - Breakdown of Biological Samples Destroyed and DNA Profiles Removed from the Convicted Offenders Index

	Adult	Young Person
Conditional discharge	2,551	335
Conviction quashed on appeal	291	9
Absolute discharge	148	28
Duplicate sample (same order)	108	12
No suitable DNA profile obtained	62	10
Order/authorization quashed	26	7
Retention period expired	N/A	958
Other	25	7
Total	3,211	1,366

N/A: Not applicable

EXPLANATORY NOTES

Assault: includes assault with a weapon or causing bodily harm, aggravated assault, assaulting a peace officer, overcoming resistance to commission of offence, criminal harassment and uttering threats.

Break and Enter: includes break and enter with intent, being unlawfully in a dwelling-house, break and entering a place other than dwelling-house and possession of break-in instruments.

Robbery: includes robbery and extortion.

Sexual Offence: includes rape, sexual intercourse with a female under 14 and between 14 and 16, sexual intercourse with the feeble-minded, sexual interference, invitation to sexual touching, sexual exploitation, incest, bestiality, child pornography, indecent acts, offence in relation to juvenile prostitution, sexual assault with a weapon, aggravated sexual assault, sexual assault, indecent assault, gross indecency, prostitution and luring a child.

Homicide: includes manslaughter.

Controlled Drugs and Substances Act: includes possession for the purpose of trafficking, import or export of controlled substance, trafficking and production of substances.

The Other category includes: using explosives, causing death by criminal negligence, causing bodily harm by criminal negligence, causing bodily harm with intent, dangerous operation causing death, failure to stop at the scene of an accident, impaired driving causing death, unlawfully causing bodily harm, kidnapping, hostage taking, mischief causing danger to life, arson (disregard to human life), setting fire to other substance, arson (own property), firearms, fraud, counterfeiting, criminal organization, escape, flight, theft over $5,000, forgery, disguise and intimidation.

Table 11 - Endorsements Received by Province

British Columbia	3,756	Nova Scotia	252
Alberta	2,631	Prince Edward Island	4
Saskatchewan	446	Newfoundland & Labrador	197
Manitoba	1,210	Yukon	46
Ontario	18,031	North West Territories	77
Quebec	3,125	Nunavut	66
New Brunswick	24	Total	29,865

NOTE: The above information represents the convicted offender endorsements received and is not reflective of the number of convictions eligible for inclusion into the Convicted Offenders Index.

Table 12 - Breakdown of Endorsements Received

Adult Offender	28,446
Young Offender	1,419
Total	29,865

Table 13 - Endorsement Breakdown by Offence

Assault	19,218
Break and Enter	6,184
Robbery	4,288
Controlled Drugs and Substances Act	2,681
Sexual Offence	1,570
Homicide	279
Other	5,455
Total	39,675

NOTE: More than one offence may be associated with an endorsement.

ENDORSEMENT

Section 487.071 of the *Criminal Code* requires police officers to verify with the Canadian Police Information Centre whether a convicted offender's DNA profile is already in the NDDB prior to executing every new DNA data bank order or authorization. If the DNA profile of an offender is contained in the Convicted Offenders Index of the NDDB, police officers may not take the bodily substances from the offender but are required to submit the un-executed DNA data bank order or authorization with an endorsement form confirming they have been advised that the person's DNA profile is already contained in the NDDB, along with the offender's fingerprints to the NDDB. The purpose of the endorsement process is to ensure that an offender's DNA profile remains in the NDDB should the original offence for which the DNA sample was ordered be overturned on appeal.

ENDORSEMENT REJECTIONS

The NDDB has rejected only 1.3% of the endorsements it has received to date. Reasons for rejection include: DNA profile from the offender is not contained in the Convicted Offenders Index, offender convicted of a non-designated offence and others. More than 52% of the endorsements rejected were collected from offenders convicted of non-designated offences and are therefore not eligible for inclusion in the Convicted Offenders Index.

FINANCIAL STATEMENT

April 1, 2010 - March 31, 2011

EXPENDITURE TYPE	Expenditure ($ thousands)
Personnel	1,546
Transport and Telecommunications	12
Development and Infrastructure Support	73
Rentals	6
Repair and Maintenance	83
Utilities, Materials and Supplies	891
Capital and Minor Equipment Purchases	772
Miscellaneous	0
Sub-total	3,383
Indirect Costs[1]	925
Total	4,308

[1] Indirect Costs include: Forensic Science and Identification Services administrative and corporate support, facilities management, Research and Development, recruitment, hiring and training of new personnel, the Quality Assurance Program and the National DNA Data Bank Advisory Committee.

APPENDIX A

DEFINITIONS OF DESIGNATED OFFENCES

PRIMARY COMPULSORY OFFENCES

This category includes offences for which the court is compelled to make an order such as murder, manslaughter, aggravated sexual assault, sexual assault, child pornography and robbery. For a complete list of offences that fall under this category, refer to paragraph (a) under the definition of "primary designated offences" in section 487.04 of the *Criminal Code*.

PRESUMPTIVE PRIMARY OFFENCES

For these offences, the court shall make an order unless the offender convinces the court that the impact of such an order on his/her privacy and security of the person is "grossly disproportionate" to the public interest in the protection of society and the proper administration of justice. Examples of offences included in this category are: breaking and entering a dwelling-house and hostage taking. For a complete list of offences that fall under this category, refer to paragraphs (a.1) to (d) under the definition of "primary designated offence" in section 487.04 of the *Criminal Code*.

LISTED SECONDARY OFFENCES

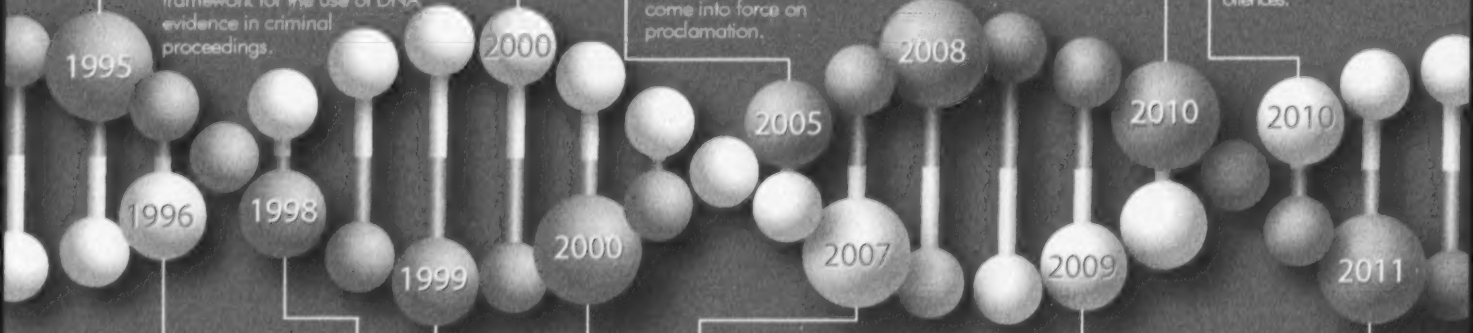
For these offences, the court may, on application by prosecutor, make an order if it is satisfied that it is in the best interests of the administration of justice to do so. Examples of offences included in this category are: breaking and entering a place other than dwelling house, assault and indecent acts. For a complete list of offences that fall under this category, refer to paragraphs (c) and (d) and subparagraph (e)(ii) under the definition of "secondary designated offence" in section 487.04 of the *Criminal Code*.

GENERIC SECONDARY OFFENCES

For these offences, the court may, on application by the prosecutor, make an order if it is satisfied that it is in the best interests of the administration of justice to do so. All the other non-listed *Criminal Code* offences including certain *Controlled Drugs and Substances Act* offences that are prosecuted by indictment for which the maximum punishment is imprisonment for five years or more fall under this category of offences.

Examples of offences included in this category are: possession of explosive without lawful excuse, pointing a firearm, dangerous driving, dangerous driving causing bodily harm, causing death by criminal negligence, theft over $5,000 and drug related offences (e.g. trafficking and possession for the purpose of trafficking, importing and exporting and production of substances) which fall under sections 5, 6 and 7 of the *Controlled Drugs and Substances Act*. For more information, refer to paragraphs (a) and (b) and subparagraph (e)(i) under the definition of "secondary designated offence" in section 487.04 of the *Criminal Code*.

Chronology of DNA Legislation in Canada



July

Bill C-104 receives Royal Assent. The bill amends the *Criminal Code* and the *Young Offenders Act* to enable judges to issue a warrant allowing police to obtain DNA evidence from suspects in criminal investigations. This is Phase I of the Government of Canada's DNA Strategy which provided the legislative framework for the use of DNA evidence in criminal proceedings.

May

Partial proclamation of Bill C-3 which established the DNA Data Bank Advisory Committee by Regulations.

January

Phase II of the Government of Canada's DNA Strategy begins with nation-wide consultations for the establishment of a national DNA data bank.

December

Bill C-3 (Statutes of Canada 1998, c. 37) receives Royal Assent. Work begins with an 18 month schedule to establish the NDDB.

November

Bill S-10 is tabled in the Senate. Based on Senate recommendations, the Bill contains amendments to Bill C-3 including: the taking of fingerprints for identification purposes, the inclusion of offenders convicted of designated offences in the military justice system, and a full legislative review of the DNA legislation and NDDB to be conducted by the Senate and House of Commons after five years.

June

Full proclamation of Bills C-3 and S-10. DNA sample collections are to commence immediately following proclamation.

May

Royal Assent of Bill C-13 (Statutes of Canada, 2005, c. 25). Amendments to expand the retroactive scheme, to clarify the NDDB DNA profile sharing procedures with forensic laboratories, and to establish procedures to confirm the validity of NDDB orders come into force on Royal Assent. Other provisions of the Bill will come into force on proclamation.

January

Full proclamation of Bills C-13 and C-18.

June

Parliamentary Statutory Review of the DNA legislation and NDDB by the House of Commons Standing Committee on Public Safety and National Security (SECU Report, June 2009) and government acceptance in principle of the SECU Report's recommendations in October 2009.

June

Royal Assent of Bill C-18 (Statutes of Canada 2007, c. 22). Amendments to facilitate the implementation of Bill C-13, and:

- further expand the retroactive scheme to include attempted murder and conspiracy, and replace the "is serving a sentence of two years or more" requirement with "is on the date of the application serving a sentence of imprisonment" for that offence;
- allow for NDDB orders to be made within 90 days after the person is sentenced or found not criminally responsible on account of mental disorder;
- allow a person to be summoned for the execution of a NDDB order and penalties for failure to appear;
- clarify international NDDB DNA profile sharing procedures; and,
- clarify destruction procedures for defective orders.

June

Parliamentary Statutory Review of the DNA legislation and NDDB by the Senate Standing Committee on Legal and Constitutional Affairs (Report - June 2010). The Government response in December 2010 noted that recommendations requiring legislative change are "in broad agreement" with those made by SECU and that operational recommendations would require broader discussion.

October

Full proclamation of Bill C-14 (Statutes of Canada 2009, c. 22). The Bill amended the *Criminal Code* by adding three offences to the list of primary compulsory offences.

April

Proclamation of Bill S-2 (Statutes of Canada 2010, c. 17). The Bill amended the *Criminal Code* to make DNA sampling mandatory for convicted sex offenders. Convicted sex offenders must also be registered in the National Sex Offender Registry.